

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**Rowena Wagner
Plaintiff**

**Civil Action No. 04-264 ERIE
Judge Sean J. McLaughlin**

vs.

ELECTRONICALLY FILED

**Crawford Central School District, et. al.
Defendants**

AFFIDAVIT OF ROWENA WAGNER

1. On November 13, 1998, I became a naturalized American citizen, having come to the United States from Manila, Philippines in June of 1994.
2. While in the Philippines, I attended college for three (3) years, but dropped out for financial reasons. I was working toward a degree in Mass Communication, with a major in journalism.
3. When I arrived in the United States I learned that I would have to obtain a GED before I could attend college. I obtained my GED on August 13, 1996.
4. I subsequently enrolled at Edinboro University of Pennsylvania and in May of 2000 received a Bachelor of Science Degree in Education, majoring in elementary education.
5. While attending Edinboro I began working toward completing Pennsylvania's requirement for teacher certification by taking the various components of the Praxis Examination. Praxis is required of teaching candidates and consist of four (4) components: General Knowledge; Communication Skills; Principles of Learning and Teaching; and Elementary Education Curriculum Instruction Assessment. The Praxis Examination is entitled "Professional Assessment for Beginning Teachers."
6. I successfully completed all certification requirements and received my Professional Certificate, for grades K-6, with an effective date of May 2001.
7. As an education major, I had four (4) practicum experiences, two (2) field experiences and two (2) student teaching assignments. My field experiences were supervised by Professor Bruce Smith and my student teaching experiences by Professor John Lovett, both members of Edinboro's Department of Education, and the teachers in whose classroom I was assigned, Ms. Harriet Powell at Second District Elementary School, First Grade; Ms. Janice Koseff at Second District Elementary School, Sixth Grade, Learning Support; Mr. Douglas McCullough, at Cochranton Elementary School, Sixth Grade; and Ms. Carole Fisher at Cochranton Elementary School, First Grade. These schools are part of the Crawford Central School District.
8. A field experience includes, but is not limited to, assisting the teacher; supervising the students in

the teacher's absence and preparing and teaching one (1) lesson a week. Student teaching is similar, but requires the student to function more as the teacher; you are responsible for every aspect of the class activities and in particular, preparing and teaching lesson plans for the entire quarter.

9. I received a B+ out of a possible A for my field experiences and an A for student teaching.

10. Professor Lovett, Ms. Powell, Mr. McCullough and Ms. Fisher prepared evaluations of my performance after the completion of my respective assignments. These evaluations are attached to this affidavit. Also attached is a recent affidavit from Ms. Fisher.

11. Essentially, all found me to have been an excellent student. None found me to have a problem with grammar or classroom management or a lack of knowledge of education principles or theories. In fact, Professor Lovett, specifically pointed out that while I had what he called a "dialect", I did not have a problem with communicating or grammar.

12. As a child I spoke Tagalog and learned English. Tagalog is one of the major languages of the Philippines; it is the primary language of public education; the sole national language and with English, is a co-official language of the country. Tagalog is spoken more prevalently in families and English in government and business activities.

13. As a teacher and a mother of four (4) children, ages 11 months, 4, 8 and 10 years old, I am aware of the importance of properly preparing children for the future, including the importance of speaking and writing correctly. During all my efforts to obtain a job, neither Mr. Dolecki nor Mr. Heller ever told me my grammar was "poor". I first learned about this from my attorneys after they had read the School District's latest submission.

14. I first applied for a full-time teaching position with the Crawford Central School District in August 2001 and was interviewed by the then Superintendent, Mr. James Lascola and Mr. John Karns, a Principal. Mr. Lascola told me I had to substitute to gain experience before I could be hired as a full-time teacher. I was hired as a substitute in September 2001 and remain a substitute. A copy of the letter announcing my hiring is attached as Exhibit 1; it is signed by Mr. Dolecki, who, at the time, was the Acting Superintendent.

15. I have sought employment as a short-term and long-term substitute and have been recommended for each, but have been turned down.

16. An Arbitrator's Award, dated April 7, 1999, provides bidding rights to an individual who has served as a substitute for three (3) 90 days periods. In denying me the opportunity to be a long-term substitute, the District is preventing my employment under this Decision. A copy of that Award and the School District's current Collective Bargaining Agreement is included in the exhibits.

17. During the school years 2001-2002 and 2002-2003 I served as a substitute teacher between 80%-90% of each respective school year. After I filed an employment discrimination complaint with the Pennsylvania Human Relations Commission on February 20, 2003, I began experiencing a significant drop in time that continued throughout the school year just completed, 2005-2006. Proof

of this is attached.

18. On or about November 5, 2002, Ms. Joye Pickens, a second grade teacher at Cochranton Elementary School, a 35 year veteran of the District now retired, asked me to substitute for her as she prepared for hip replacement surgery. Ms. Pickens expected to be out of work from November 15, 2002 to the school year 2003-2004. Ms. Pickens recommended me for the entire period. A letter from Ms. Pickens to the District, with this recommendation, is included in my exhibits.

19. I started teaching Ms. Pickens' class on November 15, 2002, but on December 20, 2002 I was abruptly removed from my assignment.

20. I had been told that I had the assignment until the end of the 2002 Fall Semester, which concluded on January 17, 2003, but that the position would be posted for the second semester of the school year.

21. While Ms. Pickens' position was never posted, I applied for the position, but Amy Szalewicz, someone outside the District, a Caucasian, who placed 10th in the ranking was given the job.

22. Before I was summarily dismissed, Mr. Charles Heller, the Assistant Superintendent of Schools, had conducted a class observation on November 22 and Mr. Kurt Meader, the School Principal, had done so on November 26, 2002. Both found my performance satisfactory, with Mr. Heller noting certain areas for improvement. Mr. Heller's and Mr. Meader's observation report are included in the record. Neither gentlemen mentioned use of improper grammar in his respective report or raised such with me in conferences held on December 3, 2002 (by Mr. Meader) and December 6, 2002 (by Mr. Heller).

23. I have applied for over seventy-five (75) full-time and long-term positions with the School District. I have applied for or been recommended for short-term and long-term teaching positions. Except for being called in on an "as needed basis", I have been denied the opportunity for significant employment.

24. Other than the interview for Ms. Pickens, I have been given only one (1) other interview. That was in March 2004, after I filed my complaint with the Pennsylvania Human Relations Commission (PHRC). Among the elementary school teachers hired for the 2004-2005 school year, only one (1) was a minority. Tammy Foster, an African-American, had her teaching certification since 1994, but was only hired as a teacher in 2004. Previously, Ms. Foster was hired as a substitute teacher and later a teacher's aide. Ms. Foster's 1997 teacher's application is included in the record. Despite glowing recommendations that went back to her student teaching years and as an employee in the District's STAR Program, a tutorial program for students, Ms. Foster's ability as a teacher was overlooked until my lawsuit.

For the 2005-2006 school year, another minority applicant, an individual of Asian and Filipino descent, was hired. Naomi-Uy Moore, was hired in violation of State law governing out-of-state candidates. When this matter was called to the attention of the District by Attorney Nichols, the District obtained an emergency permit for her, again in violation of State law.

25. Based on my knowledge, at least the following 27 individuals were not internal union bidders when hired at the elementary level during the period 2002-Present:

Robert Bazylak
Stacie Boca
David Boughton
Erin Bourquin
NormanCarner
Lori Carr

Karen Jamieson
Cathy Kelihar
Cheryl
Krackowski
Amy Szalewicz-Lawrence
Robin Leri
Brian Mahoney
Andrea Morini
Danielle Morris
Naomi Uy-Moore

Chad Dupont
Susan Ford
Tammy Foster
Patricia Frano

Chris Peters	Megan Porter	Nikki Shearer	Jennifer
Marcia Pifer	Rebecca Schaeef		Stefanucci
Lisa Taormina	Mark Weathers		

Except for Ms. Foster and Ms. Uy-Moore, all are Caucasian.

26. As of today, for grades K-6, the District only has 2 minority full-time regular classroom elementary teachers, Tammy Foster and Naomi Uy-Moore, with Ms. Moore initially working in violation of out-of-state teaching certification requirements and later (beginning in January 2006) in violation of emergency permit requirements. There is another minority teacher, but she is employed as a reading and math intervention instructor.

27. Of the two (2) interviews I was invited to participate in, there were no minorities on the Interviewing Committee and all were under the supervision of Mr. Heller.

28. The District has a well known practice of hiring long-term substitutes on the recommendation of full-time teachers. In her deposition, Ms. Pickens testified about this practice and that she was not aware the practice had "changed". Others have told me of this practice. I am not aware of any announcement notifying staff of the change.

29. The practice of "teacher recommendation or request" was based solely on the teachers' request; it did not involve classroom observation or interviewing.

30. I have received over 100 favorable reports from teachers on how I have managed their classes. The School District has these in its possession.

31. At the end of the 2004-2005 school year, in a letter dated June 15, 2005, Mr. Heller wrote to "...

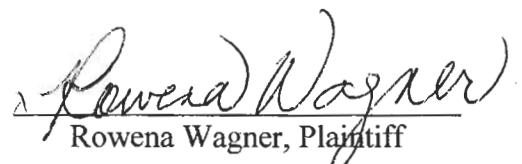
compliment you on the manner in which you performed your duties." A copy of this letter is attached.

32. On or about July 15, 2006 I received the attached letter from Mr. Heller advising me that a position I had applied for at Cochranton Elementary School for the upcoming School Year had not been bidden on by a union member. A copy of this letter is attached.

33. I recently learned that Naomi Uy-Moore, even though still without proper certification, has been assigned to Cochranton Elementary from West End Elementary into a position previously held by a long-term substitute. I am not aware of this position being posted.

34. On or about September 24, 2004, Ms. Joanne Darling, the former Principal at Cochranton Elementary School, informed me that I could not be considered for a Fourth Grade Teaching Position for the 2004-2005 school year because I had filed a federal lawsuit on or about September 16, 2004. As a result, I did not pursue this position.

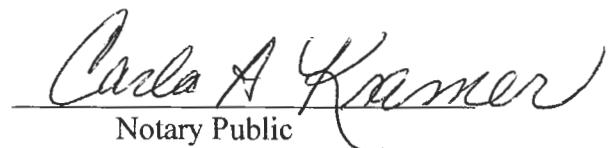
35. My certification was up for renewal this year. Having earned the credits, the District, despite promising to send my information in with those of other teachers, failed to report my information to the Pennsylvania Department of Education. This information only went in after my attorneys wrote the defendants and advised them that the withholding of the information was a form of retaliation. A copy of that letter is included in the exhibits.



Rowena Wagner
Rowena Wagner, Plaintiff

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ERIE**

BEFORE ME, the undersigned notary public, personally appeared Rowena Wagner, who being duly sworn according to law, depose and say that she is the plaintiff in the above mentioned case and that the facts set forth in this Affidavit are true and correct to the best of her knowledge, information and belief.



Carla A. Kramer
Notary Public

